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WASHINGTON, D.C.



April 29, 1998

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Ms. Magalie R. Salas, Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

DOCKET FILED FOR ORIGINAL

Federal Communications Commission
Office of Secretary

Re: *In the Matter of The Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010*, WT Docket No. 96-86 (rel. October 24, 1994).

Dear Ms. Salas:

Pursuant to Section 1.1206(b)(2) of the Commission's rules, 47 C.F.R. § 1.1206(b)(2), this letter is to advise the Federal Communications Commission (Commission), that in connection with the above-referenced rulemaking proceeding, that the Federal Law Enforcement Wireless Users Group (FLEWUG) met with Commission staff and discussed the development of operational, technical and spectrum requirements for meeting federal, state and local public safety agency communication requirements. Mr. Marv Storey, U.S. Department of Agriculture; Mr. Dick Allen, Federal Bureau of Investigation; Mr. Rob Zanger, Department of Justice; Ms. Margot Bester, Booz-Allen & Hamilton; Mr. Tony Soong, Booz-Allen & Hamilton; and I, met with Mr. John Clark, Mr. John Borkowski, and Ms. Kathryn Hosford of the Wireless Telecommunications Bureau. The FLEWUG is filing this ex parte letter in order to summarize the substance of its April 28, 1998 meeting with Commission staff.

The FLEWUG's oral ex parte presentation focused on the importance of interoperability among federal, state, and local public safety entities. The FLEWUG includes all federal agencies that perform public safety functions and is inclusive of organizations and functions beyond law enforcement (with the exception of the Department of Defense). Throughout the meeting, the FLEWUG substantiated its position using real-life examples to describe the inadequate state of interoperable communications among all levels of government.

During the meeting, the FLEWUG expressed its positions regarding the service rules for the newly re-allocated public safety spectrum (i.e., 764-776/794-806 MHz). The FLEWUG also reiterated its position that there is a need for both interoperability spectrum and general use spectrum. The FLEWUG stressed that interoperability spectrum should provide frequencies for day-to-day interoperability needs, mutual aid operations, and task force operations. The FLEWUG urged the FCC to allow direct

licensing of interoperability spectrum to public safety entities at all levels of government because the need for interoperability exists among the federal, state, and local levels.

The FLEWUG further stated its support for the direct licensing of general use spectrum to state and local agencies; however, the FLEWUG is requesting access to the general use spectrum for means of promoting shared systems among the public safety community. The FLEWUG also expressed its concern that federal eligibility for licensing interoperability spectrum and gaining access to general use spectrum is limited by the Commission's proposed definition of public safety. Thus, the FLEWUG expressed its support for the adoption of the PSWAC definition of public safety, which includes the federal public safety community. This is necessary to allow federal licensing of the interoperability spectrum and to enable federal access to the general use spectrum for shared systems operation.

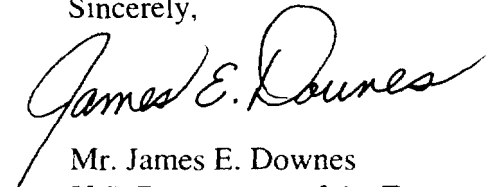
The FLEWUG restated the need for distinct national coordination bodies to oversee the interoperability spectrum and the general use spectrum. The FLEWUG identified its reasons for separating the coordination bodies as a concern for priority and federal involvement. The FLEWUG also reiterated its support for the national coordination bodies to determine appropriate channel allocation plans. The FLEWUG has not review submitted channel allocation plans because the FLEWUG feels that it is premature to adopt a specific channel allocation plan.

The FLEWUG reiterated the need for the adoption of receiver standards. Receiver standards are becoming more important with increased radio use and as channel bandwidths migrate to 12.5 kHz. The FLEWUG also expressed its support for the adoption of a digital standard for the interoperability spectrum. The FLEWUG believes that without such a standard the interoperability spectrum would not promote seamless communications.

In closing, the FLEWUG expressed the need for additional public safety spectrum allocations to achieve the 97.5 MHz recommended by the PSWAC. In addition, the FLEWUG discussed the need for 2.5 MHz of interoperability spectrum below 512 MHz. In support of this point, the FLEWUG informed the Commission that since the close of the formal reply comment portion of this proceeding, federal spectrum has been allocated for interoperability. The re-channelization of federal spectrum has resulted in 10 VHF channels and 10 UHF channels with 12.5 kHz channel bandwidth being reserved for interoperability among local, state, and federal public safety entities. These interoperability channels are in addition to the existing interoperability channel located at 155.475 MHz.

In accordance with Section 1.1026(b)(2), the FLEWUG has hereby summarized its ex parte oral presentation of April 28, 1998, to Commission staff regarding the above-referenced proceeding. Any questions regarding this notice should be addressed to the undersigned.

Sincerely,



Mr. James E. Downes
U.S. Department of the Treasury

Enclosure

cc: Mr. John Clark
Mr. John Borkowski
Ms. Kathryn Hosford